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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,688	06/27/2005	Alan Roddis	20750/0202318-US0	9784
7278 7590 06/08/2009 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER				
PATEL, VISHAL A				
ART UNIT		PAPER NUMBER		
3676				
MAIL DATE		DELIVERY MODE		
06/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,688

Applicant(s)

RODDIS, ALAN

Examiner

Vishal Patel

Art Unit

3676

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9,11,12,16,37-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 39 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9,11,12,16,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 39 and 41 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 39 and 41 do not read on the elected species by applicant

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39 and 41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 5-7, 9, 11-12, 16 and 37-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Unclear where it is stated in the specification that said magnetically biasing means comprises one or more magnets each of which is positioned so as to urge both said axially floating stationary seal face members towards said rotary seal face member”.

Claim Rejections - 35 USC § 103

4. Claims 1, 5-7, 9, 11-12, 16 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al (US. 3,379,443) in view of Dawson et al (US. 6,805,358).

Park discloses a mechanical seal having a first rotary seal face member (e.g. 24) having two seal faces opposite each other (e.g. faces 32 and 34), two floating stationary seal face members (e.g. 54 and 46), the two floating stationary seal face member biased toward the first rotary seal face member by a biasing member which is a spring (e.g. 58), the first rotary seal face member rotating relative to the two floating stationary seal face members, the biasing member is mounted radially outwards of the seal face member, the seal includes an outer housing (e.g. 16) which contains the spring, the housing is provided with a radially extending hole (e.g. hole 20) connecting the outermost surface of housing and the innermost surface of housing and the two seal faces of the rotary seal face member are axially separated and oppositely facing.

Park fails to disclose that the biasing means are magnets and are held in the housing. Dawson discloses that a mechanical seal having a housing (e.g. 10) holding stationary seal face member (12), the housing have holes to hold magnets (61), a rotary seal face member (e.g. 80) the magnet is the biasing means to attract seal faces of the seal face members. The housing have a shoulder (e.g. shoulder formed by holes 60 that retain the magnets and the magnets are flush with the shoulder as seen in figures 2-3). The magnets are mounted radially outwards of the seal face member (e.g. 12). The seal includes a magnetically insulating member (e.g. 77) located between the biasing means and the axially fixed seal face member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the seal face holder and the biasing means in the seal face holder of Laney be replaced by the biasing means

of Dawson, since replacing one biasing means by another biasing means that provides same function would provide predictable results and to provide seal faces that do not get damage during installation (column 2, lines 4-5 of Dawson).

Regarding claim 9: The holder having magnets of Dawson that replaces the holder 12 of Park would inherently attract the floating seal face members, where the radial end of the magnet would attract the seal face member 30 and the axial end that is perpendicular to the radial end would attract the seal face member 20.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./
Primary Examiner, Art Unit 3676

/Vishal Patel/
Primary Examiner, Art Unit 3676